



Commercial Abandoned and Derelict Vessel Abatement

San Francisco BCDC | September 12, 2019

CALIFORNIA STATE LANDS COMMISSION



California State
Lands Commission



Commercial Vessel Abatement

An illustration of the problem





Commercial Vessel Abatement

Introduction

Outline of Presentation

1. State Lands Commission, Jurisdiction and General Authority
2. Statutory Authority for Vessel Abatement
3. Qualified Success Stories
4. AB 2441 Commercial Vessel Removal Plan
5. Closing and Questions



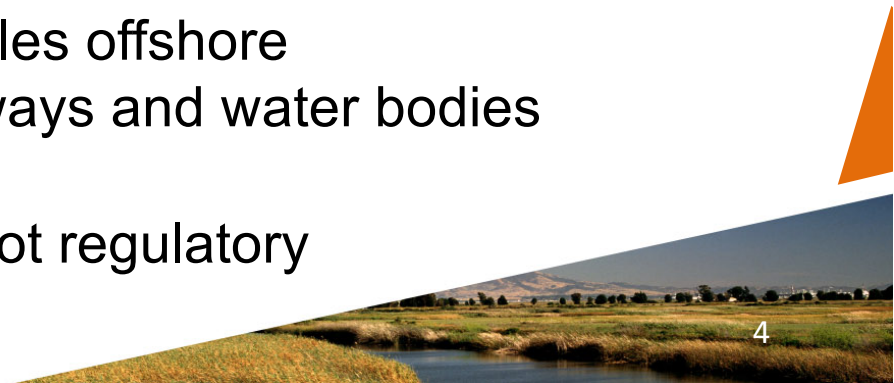


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Background

California State Lands Commission, Jurisdiction and Authority

- Statewide agency, created in 1938
- Exclusive jurisdiction to administer and manage Public Trust lands
 - Tidelands
 - Submerged lands, to 3 nautical miles offshore
 - Beds of natural, navigable, waterways and water bodies
- Primarily a land management agency, not regulatory





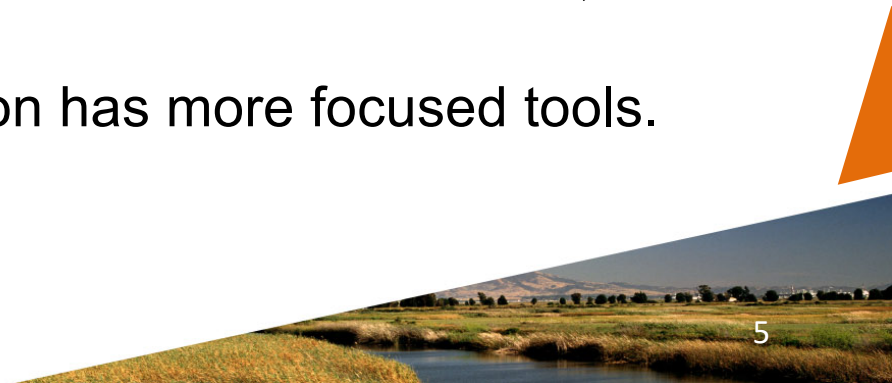
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Statutory Authority

Laws not being discussed today

- Common law trespass or nuisance
- Statutory trespass in Public Resources Code
- Harbors and Navigation Code section 522
- SAVE grants under Harbors and Navigation Code sections 525, 526

Why not? The State Lands Commission has more focused tools.



Commercial Vessel Abatement

Statutory Authority (1 of 6)

Marine Debris: Harbors & Navigation Code sections 550, 551



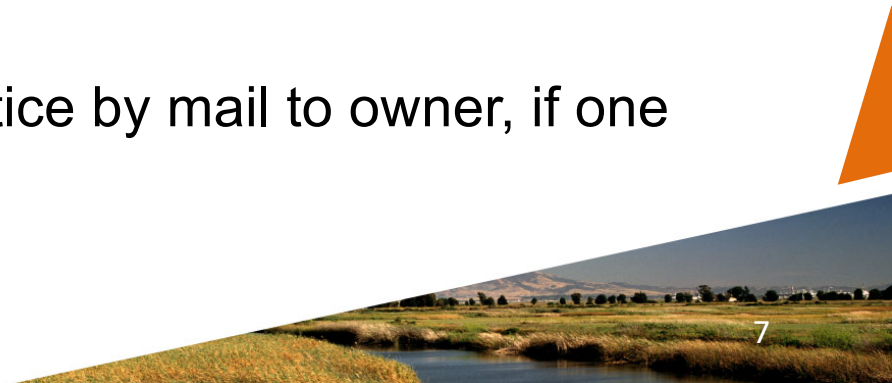


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Statutory Authority (2 of 6)

Marine Debris: Harbors & Navigation Code sections 550, 551

- **Who?** Any agency with jurisdiction over public land
- **What?** Removal and destruction of vessel or part of a vessel on public land
- **How?** 10-day posting on vessel and notice by mail to owner, if one can be located





Commercial Vessel Abatement

Statutory Authority (3 of 6)

Marine Debris: Harbors & Navigation Code sections 550, 551

Limitations

1. Vessel condition: unseaworthy and not capable of being made seaworthy
2. Valuation: must have no value or value less than cost of removal and disposal



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Statutory Authority (4 of 6)

Abandonment: Public Resources Code secs. 6302.1 et seq.





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Statutory Authority (5 of 6)

Abandonment: Public Resources Code secs. 6302.1 et seq.

- **Who?** State Lands Commission within its jurisdiction *or* acting at request of other public entity
- **What?** Removal and disposal of vessel or parts of a vessel
- **How?** Vessel becomes abandoned after 30-day posting on vessel and notice by mail to owner, if one can be located.
 - Then, Commission directs disposition at public meeting.





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Statutory Authority (6 of 7)

Comparison: Harbors & Navigation to Public Resources Code

- H&N is faster and simpler. (But both contain emergency provisions.)
- H&N applies to any public agency.
- PRC does not require condition or valuation determination.
- Action under the PRC sections is exempt from the State Contract Act.



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Qualified Success Story: Gretchen E



Commercial Vessel Abatement

Qualified Success Story: Black Hawk and Black Kite





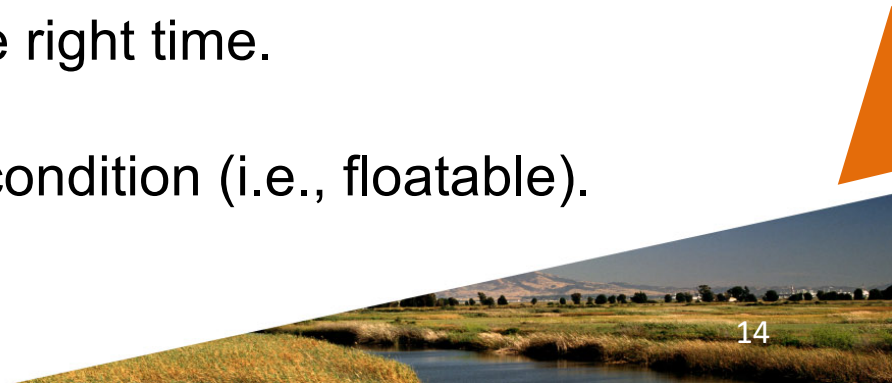
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Qualified Success Stories (1 of 2)

Why “Qualified” Success?

These good outcomes depended on luck and circumstances!

1. Local, state, and federal agencies cooperated.
2. Adequate funds were available at the right time.
3. The vessels were in relatively good condition (i.e., floatable).





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Qualified Success Stories (2 of 2)

Challenges for Commercial Vessel Abatement

1. Every aspect of disposal is tremendously expensive: mobilization, removal, storage, and disposal.
2. Contractors and facilities are limited.
3. Inter-agency cooperation is a true success story right now.





Commercial Vessel Abatement

AB 2441 Commercial Vessel Plan (1 of 6)

Public Resources Code section 6302.2

- Assembly Bill 2441 (Frazier, 2018) directed the State Lands Commission to
 - Develop a plan to remove abandoned commercial vessels from the Sacramento-San Joaquin Delta
 - Prioritize vessel removal based on risk to the Delta environment and public health and safety



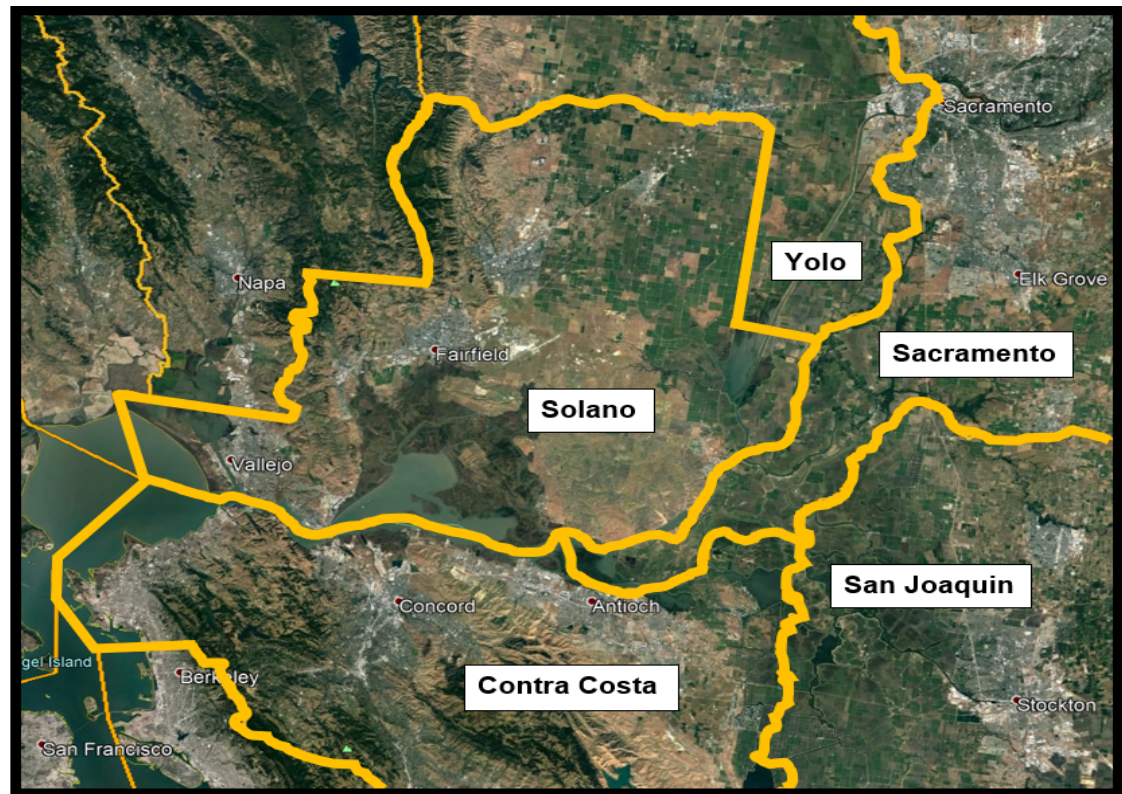


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AB 2441 Commercial Vessel Plan (2 of 6)

Extent of AB 2441 Plan

- AB 2441 defines the Sacramento-San Joaquin Delta as the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo.





Commercial Vessel Abatement

AB 2441 Commercial Vessel Plan (3 of 6)

Plan Objectives

1. Develop a systematic approach to identify and prioritize abandoned commercial vessels for removal
2. Develop necessary infrastructure, processes, and procedures to accomplish plan purposes
3. Develop a cost basis for program budgeting and funding
4. Provide recommendations for future actions





Commercial Vessel Abatement

AB 2441 Commercial Vessel Plan (4 of 6)

Vessel Prioritization

- A survey of the five-county area will be performed.
- Each surveyed vessel will be assigned to one of four priority categories based on, among other criteria,
 - Seaworthiness
 - Mooring condition
 - Risk of release of hazardous substances
 - Proximity to navigation channels
 - Public accessibility



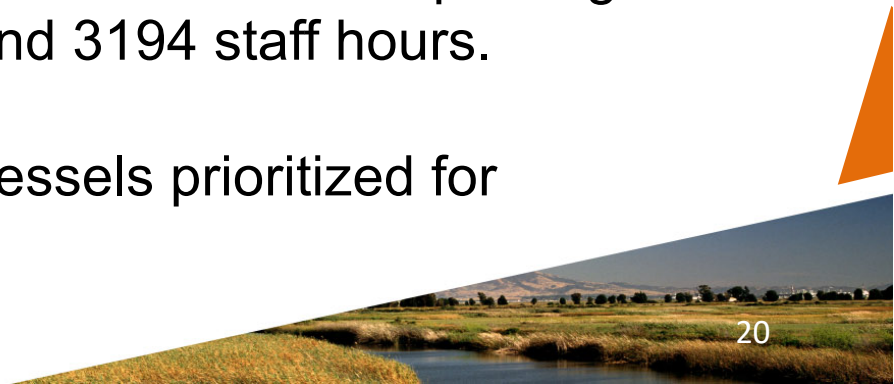


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AB 2441 Commercial Vessel Plan (5 of 6)

Projected Staffing and Costs

- We recommended three additional staff positions: one boat operator, one staff member, and one supervisor.
- First year costs, including start-up tasks and removal of up to eight vessels, was estimated at \$2,208,700 and 3194 staff hours.
- Ongoing costs would be based on the vessels prioritized for removal in each fiscal year.





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AB 2441 Commercial Vessel Plan (6 of 6)

Plan Approval and Implementation

- The State Lands Commission approved the Plan in June 2019.
- The Plan is available on the [Abandoned Vessels page](#) of the State Lands Commission's website.
- Implementation depends on adequate funding from the Legislature.





Commercial Vessel Abatement

Conclusion

Opportunities:

- Inter-agency cooperation and will to address problem
- Adequate *individual* agency authority for most situations

Challenges:

- Lack of consolidated authority; no “one-stop shop” agency
- No dedicated funding source





THANK YOU AND QUESTIONS

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